

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY  
EXECUTIVE COMMITTEE  
MINUTES OF PUBLIC HEARING**

DATE ..... May 7, 2003  
TIME ..... 4:30 P.M.  
PLACE ..... CO. OFFICE BLDG.  
20 N. 3<sup>RD</sup> STREET  
LAFAYETTE IN 47901

**MEMBERS PRESENT**

Karl Rutherford  
Jan Mills  
David Williams  
Mark Hermodson

**MEMBERS ABSENT**

Jeff Kessler  
Jack Rhoda  
James Miller

**STAFF PRESENT**

James Hawley  
Sallie Fahey  
Margy Deverall  
Kathy Lind  
Michelle D'Andrea  
Rod Forbes, Attorney

Jan Mills called the meeting to order.

**I. APPROVAL OF MINUTES**

Mark Hermodson moved to approve the minutes of the April 2, 2003, Executive Committee public hearing as submitted. Karl Rutherford seconded and the motion carried by voice vote.

**II. NEW BUSINESS**

**A. FINAL DETAILED PLANS**

1. **RESOLUTION PD 03-5: MCCORMICK PLACE, PHASE II PLANNED DEVELOPMENT (Z-2077):** Final Detailed Plans for a 24-unit apartment building, with 24 parking spaces, on 0.73 acres at the southeast corner of McCormick and Lindberg Roads in West Lafayette, Wabash 14(NE)23-5.

Mark Hermodson moved to hear and vote on the above-described request. Karl Rutherford seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

Daniel Teder, PO box 280, Lafayette, IN, stated that the petitioner was present and available to answer any questions. He concurred with the staff report and asked for approval.

The motion carried by voice vote.

**B. USO VARIANCE**

1. **THE ESTATES OF ARBOR CHASE (S-3291):** Petitioner is requesting a variance from the Unified Subdivision Ordinance to permit sidewalks outside the dedicated non-pavement right-of-way within a dedicated easement. The site is located on the north side of Kalberer Road between Salisbury Street and Soldiers Home Road, in West Lafayette, Wabash 5(NW)23-4.

Mark Hermodson moved to hear and vote on the above-described request. Karl Rutherford seconded the motion.

Sallie Fahey read the staff report with recommendation of approval.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, presented a display of the subdivision to the Committee. He pointed out that in the past, this type of street design would have been a boulevard and under the jurisdiction of a park commission. He said that the unique and creative design gives a real sense of community. He stated that this would be one of the most interesting and livable subdivisions in West Lafayette. He concurred with the staff report and asked for approval

The Committee voted by ballot 4 yes to 0 no to approve the variance for **THE ESTATES OF ARBOR CHASE**.

### III. PUBLIC HEARING

Mark Hermodson moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. Karl Rutherford seconded and the motion carried by voice vote.

#### A. SUBDIVISIONS

1. **RE-0008—MEADOWGATE ESTATES SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT):** Petitioner is seeking primary approval for a 12-lot rural estate subdivision on 47.66 acres. The site is located east of CR 75 East, between Burnett's Creek and CR 500 N, Tippecanoe 28 (NW) 24-4 and 29 (NE) 24-4.
4. CONTINUED FROM THE MARCH EXECUTIVE COMMITTEE MEETING.

Mark Hermodson moved to hear and vote on the above-described request. Karl Rutherford seconded the motion.

Sallie Fahey stated that the petitioner had requested permission to bond. She read the staff report with recommendation of conditional primary approval contingent on the following conditions:

#### A. Variances

1. A variance to permit a 4289.83' long cul-de-sac instead of the maximum permitted length of 800'.

#### B. Conditions

**CONSTRUCTION PLANS** – The following items shall be part of the Construction Plans application and approval:

1. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
2. The County Drainage Board shall approve the drainage plans.
3. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
4. In the construction plans, the lowest floor elevation for any building pad within 100 ft. of the FP (Flood Plain) district shall meet the flood protection grade. The lowest floor of any building can be considered a basement, crawl space or a slab foundation.

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

5. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
6. All existing easements (except the easement discussed below in condition #10), covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).

7. All required building setbacks shall be platted.
8. The Regulatory Flood Elevation and Boundary for the Burnett's Creek Flood Plain shall be shown.
9. Street addresses and County Auditor's Key Number shall be shown.
10. The 52' wide easement from CR 500 N that serves the parcels must be dissolved so that RE road right-of-way can be dedicated.

Paul Coutts, C&S Engineering, 1719 Monon Ave, Lafayette, IN, representing the developer, concurred with all the conditions. He reiterated the request for permission to bond. He stated that the County Commissioners approved the variance on April 21, 2003. He mentioned that when the request was first submitted, they were unaware that a variance was needed. He asked for approval.

The Committee voted by ballot 4 yes to 0 no for conditional approval of **RE-0008—MEADOWGATE ESTATES SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT).**

The Committee voted by ballot 4 yes to 0 no to permit bonding.

The Committee voted by ballot 4 yes to 0 no to approve the request for variance.

2. **S-3290—RED HAWK RIDGE SUBDIVISION (MINOR-SKETCH):**

Petitioners are seeking primary approval for a 4-lot subdivision on 15.0 acres, located southwest of the CR 250 N and CR 1025 E intersection, Perry 12 (SW) 23-

3. CONTINUED FROM THE APRIL AREA PLAN COMMISSION MEETING.

Mark Hermodson moved to continue **S-3290-RED HAWK RIDGE SUBDIVISION (MINOR-SKETCH)** to the June 4, 2003 Executive Committee meeting. Karl Rutherford seconded and the motion carried by voice vote.

3. **S-3300—BURKHALTER ADDITION (MINOR-SKETCH):**

Petitioners are seeking primary approval for a 2-lot subdivision on 5.968 acres, located on the east side of CR 775 E, 1/8 mile north of CR 600 N, in Washington 21 (SE) 24-3.

Mark Hermodson moved to hear and vote on the above-described request. Karl Rutherford seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional primary approval contingent on the following conditions:

A. Conditions

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
2. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
3. All required building setbacks shall be platted.
4. The street addresses and County Auditor's Key Number shall be shown.

Ron Wharry, Moses Surveying, Frankfort, IN, representing the developer, concurred with the staff report and asked for approval.

The Committee voted by ballot 4 yes to 0 no for conditional approval of **S-3300—BURKHALTER ADDITION (MINOR-SKETCH).**

4. **S-3310—RUNNING DEER SUBDIVISION (MINOR-SKETCH):** Petitioners are seeking primary approval for a one lot subdivision on 5.611 acres, located on the west side of CR 800 W, just north of CR 350 N, in Shelby 2 (SE) 23-6.

Mark Hermodson moved to hear and vote on the above-described request. Karl Rutherford seconded the motion.

Sallie Fahey read the staff report with recommendation of conditional primary approval contingent on the following conditions:

**FINAL PLAT** – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted.
3. The street addresses and County Auditor's Key Number shall be shown.
4. The Regulatory Flood Elevations at the upstream and downstream limits of the subdivision shall be shown.

Nick Starr, Starr Associates, 413 Teal Road, Lafayette, IN, representing the developer, concurred with the staff report and conditions.

The Committee voted by ballot 4 yes to 0 no for conditional approval of **S-3310—RUNNING DEER SUBDIVISION (MINOR-SKETCH).**

#### IV. APPROVAL OF THE MAY 21, 2003 APC PUBLIC HEARING AGENDA

##### PUBLIC HEARING

##### A. ORDINANCE AMENDMENTS

Mark Hermodson moved that the following amendments be placed on the May 21, 2003 Area Plan Commission Public Hearing Agenda:

##### **UZO AMENDMENT #37**

Karl Rutherford seconded and the motion was carried by voice vote.

##### B. REZONING ACTIVITIES

Mark Hermodson moved that the following rezone petitions be placed on the May 21, 2003 Area Plan Commission Public Hearing Agenda:

**Z-2120—MATT SUTTER (GB TO CB)**

**Z-2122—G&S RENTALS, INC. (Villa on Pierce Street Planned Development) (CBW TO PDMX)**

**Z-2123—DERRIN SORENSON (Hawthorne Meadows) (R2 & R3 TO PDRS)**

**Z-2124—MICHAEL A. DILLING (R2 TO NBU)**

**Z-2125—MANN PROPERTIES, LLP C/O TIM STEVENS (A TO R1B)**

**Z-2126—ALCOA c/o DAVID R. WARSHAUER for BARNES & THORNBURG (I3 TO GB)**

**Z-2127—RONALD D. KOEHLER & CINDY KAY MARSH (R1 TO NB)**

**Z-2128—R. GREGG SUTTER (Booth Farms Rural Estate)(A TO RE)**

**Z-2129—R. GREGG SUTTER (Abingdon Rural Estate) (AW TO RE)**

Karl Rutherford seconded and the motion carried by voice vote.

##### C. SUBDIVISIONS

Mark Hermodson moved that the following subdivision petitions be placed on the May 21, 2003 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

**S-3303—NORFOLK CROSSING (MAJOR-PRELIMINARY)**  
**S-3304—STOLZ SECOND MINOR SUBDIVISION (MINOR-SKETCH)**  
**S-3315—WAKEROBIN ESTATES III SUBDIVISION (MAJOR-PRELIMINARY)**  
**S-3316—LAKESHORE SUBDIVISION, PHASE 2 (MAJOR-PRELIMINARY)**

Karl Rutherford seconded and the motion carried by voice vote.

#### **D. PLAT VACATIONS**

Mark Hermodson moved that the following plat vacation petition be placed on the May 21, 2003 Area Plan Commission Public Hearing Agenda:

**V-41-DANIEL W. KRUEGER, D.D.S., P.C.**

Karl Rutherford seconded and the motion carried by voice vote.

#### **V. REVIEW AND APPROVAL OF THE MAY ABZA PUBLIC HEARING AGENDA**

Mark Hermodson moved to place the following petitions on the May 28, 2003 Area Board Of Zoning Appeals Public Agenda.

**BZA-1634—HAWKINS OUTDOOR**  
**BZA-1635—BURTON & MELINDA ETCHISON**  
**BZA-1636—ZANIK CORPORATION**  
**BZA-1637—MICHAEL & PAMELA BOWEN**  
**BZA-1638—WAL-MART REAL ESTATE BUSINESS TRUST**  
**BZA-1639—GREGORY A. JACOBS**  
**BZA-1640—REGINALD L. & LAURA J. ROY**

Karl Rutherford seconded and the motion carried by voice vote.

Mark Hermodson moved that the following petitions for Special Exception do not substantially, adversely affect the Comprehensive Plan.

**BZA-1635—BURTON & MELINDA ETCHISON**  
**BZA-1636—ZANIK CORPORATION**  
**BZA-1637—MICHAEL & PAMELA BOWEN**  
**BZA-1640—REGINALD L. & LAURA J. ROY**

Karl Rutherford seconded and the motion carried by voice vote.

Mark Hermodson moved that with regard to the following petition, the sign ordinance be strictly adhered to:

**BZA-1634—HAWKINS OUTDOOR**

Karl Rutherford seconded and the motion carried by voice vote.

#### **VI. DETERMINATION OF VARIANCES**

##### **A. Lafayette Division of the Area Board of Zoning Appeals**

Mark Hermodson moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

**CASE #2003-17—LAFAYETTE STATION LLC, PHILLIP S EDISON & CO. LTO**  
**CASE #2003-18—STEVEN L. & CINDY YATES**

Karl Rutherford seconded and the motion carried by voice vote.

Mark Hermodson moved that with regard to the following petition, the sign ordinance be strictly adhered to:

**CASE #2003-17—LAFAYETTE STATION LLC, PHILLIP S EDISON & CO. LTO**

Karl Rutherford seconded and the motion carried by voice vote.

**VII. REVIEW AND APPROVAL OF THE APRIL BUDGET REPORT**

Mark Hermodson moved to accept the April 2003 Budget Report as submitted. Karl Rutherford seconded and the motion passed by voice vote.

**VIII. OTHER BUSINESS**

*None*

**IX. ADJOURNMENT**

Mark Hermodson moved to adjourn the meeting. Karl Rutherford seconded and the motion carried by voice vote.

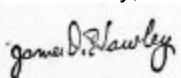
The meeting adjourned at 5:05 P.M.

Respectfully submitted,



Michelle D'Andrea  
Recording Secretary

Reviewed by,



James D. Hawley  
Executive Director